IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	§	Confirmation No.: 3761
Cragun et al.	§	
	§	Group Art Unit: 2178
Serial No.: 10/731,080	§	
	§	Examiner: Matthew J. Ludwig
Filed: December 9, 2003	§	
	§	
For: ANNOTATION STRUCTURE	§	
TYPE DETERMINATION	§	

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

REPLY BRIEF

Applicants submit this Reply Brief to the Board of Patent Appeals and Interferences in response to Examiner's Answer mailed on September 5, 2007. While Applicants' maintain each of the arguments submitted in Applicants' previously submitted Appeal Brief, Applicants make the following further arguments in light of the Examiner's Answer.

ARGUMENTS

Rejection of Claims 1-4 and 6-20 under 35 U.S.C. § 103(a) over *Gupta*.

The Applicable Law

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *See* MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP § 2143. The present rejection fails to establish at least the first and third criterion.

The Examiner's Arguments

On pages 14-17 of the Examiner's Answer, the Examiner provides elaboration with respect to the Examiner's previously submitted arguments, suggesting that Applicants' arguments are not persuasive. In response, Applicants respectfully maintain that each of the arguments presented in Applicants' Appeal Brief are correct, and further provide the following arguments in response to the Examiner's clarifications.

Applicants' Response to Examiner's Argument

Claims 1, 11, 18 and Dependents

Applicants have previously argued that the present rejection fails to establish at least the third criteria. For example, with respect to claim 1, the cited reference does not describe "retrieving, from a configuration file, information identifying at least one annotation structure associated with the at least one data object based, at least in part, on the set of identifying parameters and a role of the user, the annotation structure

defining one or more annotation fields into which annotation data will be entered."
Claims 11 and 18 recite a similar limitation.

In the Examiner's Answer, the Examiner continues to argue that "the limitation of 'the annotation structure defining one or more annotation fields into which the annotation will be entered' is taught in *Gupta* as 'annotation identifier field 194,'" citing *Gupta,* Column 9, Lines 1-25. The cited section describes the "annotation identifier <u>field 194</u>" as a <u>field included in an annotation</u>, and which "stores data that uniquely identifies" the annotation. See also *Gupta,* figure 4. Applicants respectfully submit that an annotation identifier field is clearly <u>not an annotation structure which defines one or more annotation fields</u> into which annotation data will be entered.

Additionally, the Examiner argues that, in *Gupta,* Column 9, Lines 1-25, the terms "comments" and "questions" teach the recited "identifying parameters," and the terms "instructor," "assistant," and "student" teach the recited "roles of the users." However, the cited section merely describes "sets of annotations," and provides the following examples: "media content corresponding to a lecture may include the following sets: 'instructor's comments', 'assistant's comments', 'audio comments', 'text comments', 'student questions', and each student's personal comments." *Gupta,* Column 9, Lines 21-25. Applicants respectfully submit that these <u>examples of set names do not teach the separate elements of a "set of identifying parameters" and a "role of the user."</u> However, even assuming, *arguendo*, that such examples could be construed as teaching a "set of identifying parameters" and a "role of the user," *Gupta* <u>does not teach using them as a basis to retrieve any information</u>, much less to retrieve, from a configuration file, information identifying at least one annotation structure.

Accordingly, Applicants submit that *Gupta* does not teach, show, or suggest "retrieving, from a configuration file, information identifying at least one annotation structure associated with the at least one data object based, at least in part, on the set of identifying parameters and a role of the user, the annotation structure defining one or more annotation fields into which annotation data will be entered." Withdrawal of the rejections and allowance of the claims is respectfully requested.

Claim 7 and Dependents

With respect to claim 7 and the claims that depend therefrom, Applicants respectfully submit that *Gupta* does not disclose: receiving a request from a user to create an annotation for a specified set <u>of disparate data points from different data sources;</u> determining if the <u>disparate data points are of the same type;</u> if so, retrieving, from a configuration file, at least one annotation structure associated with the same type as the data points; and <u>generating, based on the annotation structure, an interface for entering annotation information</u> to be associated with the specified set of data points.

The Examiner cites *Gupta,* column 9, lines 15-25 to argue "that annotations may extend across multiple media thereby teaching that the annotations may be associated with 'data points' of different media or multiple data points of a single media." See *Examiner's Answer*, page 16. As Applicants have pointed out previously, *Gupta,* column 9, lines 15-25 merely describes the <u>grouping of multiple annotations into sets</u>. That is, a set may include multiple annotations, with each annotation associated to a different media. However, *Gupta* does not teach creating <u>an annotation </u>for a specified set of <u>disparate data points from different sources</u>, as recited in the claims. In fact, *Gupta* discloses that, even if multiple different media streams are identified, they are only different versions of the same media content. See *Gupta*, column 9, line 28-32.

Further, Applicants respectfully submit that *Gupta* does not disclose <u>generating, based on the annotation structure, an interface for entering annotation information</u> to be associated with the specified set of data points. The Examiner argues that *Gupta*, figures 6-26 and column 11, line 36 to column 24, line 18 "teaches several interfaces for entering annotation information." See *Examiner's Answer*, page 16. Applicants respectfully submit that the interfaces disclosed in *Gupta* are <u>not generated based on an annotation structure that is retrieved from a configuration file</u>, as recited in the claims. Rather, *Gupta* discloses a user interface (figure 3, 152) that is displayed before a user selects data to annotate and the user interface for entering annotation information receives a user request to add an annotation.

Accordingly, Applicants submit that *Gupta* does not teach, show, or suggest the claimed subject matter. Accordingly, withdrawal of the rejection and allowance of the claims is respectfully requested.

CONCLUSION

The Examiner errs in finding that claims 1-4 6-20 are unpatentable over *Gupta* under 35 U.S.C. § 103(a). Withdrawal of the rejection and allowance of all claims is respectfully requested.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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